

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

Your Committee on **Roads and Transportation**, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 2, line 8, strike "(a)".
- 2 Page 2, line 10, strike "machinery".
- 3 Page 2, line 11, reset in roman "implements".
- 4 Page 2, line 12, reset in roman "of".
- 5 Page 2, line 12, after "husbandry," insert "**agriculture**".
- 6 Page 2, strike lines 16 through 18.
- 7 Page 2, line 25, after "77." insert "**(a)**".
- 8 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 9 **"(b) The bureau shall determine by rule under IC 4-22-2**
- 10 **whether a category of implement of agriculture was designed to be**
- 11 **operated primarily:**
- 12 **(1) in a farm field or on farm premises; or**
- 13 **(2) on a highway."**
- 14 Page 2, line 41, after "agriculture" delete "," and insert "**designed to**
- 15 **be operated primarily in a farm field or on farm premises,".**

1 Page 3, between lines 8 and 9, begin a new paragraph and insert:
 2 "SECTION 6. IC 9-13-2-170.3 IS ADDED TO THE INDIANA
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2004]: **Sec. 170.3. "Special machinery" means equipment**
 5 **that is used commercially off a highway, including a portable saw**
 6 **mill or well drilling machinery. The term does not include an**
 7 **implement of agriculture."**

8 Page 4, line 11, after "agriculture" delete "." and insert "**designed to**
 9 **be operated primarily in a farm field or on farm premises."**

10 Page 4, between lines 37 and 38, begin a new line block indented and
 11 insert:

12 **"(4) An implement of agriculture designed to be operated**
 13 **primarily in a farm field or on farm premises."**

14 Page 5, line 25, reset in roman "(7) an implement of".

15 Page 5, line 26, after "transportation;" insert "**agriculture designed**
 16 **to be operated primarily in a farm field or on farm premises;"**.

17 Page 5, line 27, reset in roman "(8)".

18 Page 5, line 27, delete "(7)".

19 Page 5, line 28, reset in roman "(9)".

20 Page 5, line 28, delete "(8)".

21 Page 5, line 29, reset in roman "(10)".

22 Page 5, line 29, delete "(9)".

23 Page 5, between lines 33 and 34, begin a new paragraph and insert:

24 "SECTION 13. IC 9-18-2-29.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2004]: **Sec. 29.5. Before a piece of special machinery is**
 27 **operated off a highway or in a farm field, the person who owns the**
 28 **piece of special machinery must:**

29 **(1) register the piece of special machinery with the bureau;**
 30 **and**

31 **(2) pay the applicable registration fee."**

32 Page 5, line 39, after "agriculture" delete "." and insert "**designed to**
 33 **be operated primarily in a farm field or on farm premises."**

34 Page 6, line 38, after "agriculture" insert "**designed to be operated**
 35 **primarily in a farm field or on farm premises, when operated on**
 36 **a highway and"**.

1 Page 7, line 12, after "agriculture" insert "**designed to be operated**
2 **primarily in a farm field or on farm premises, when operated on**
3 **a highway and**".

4 Page 7, line 22, after "agriculture" insert "**designed to be operated**
5 **primarily in a farm field or on farm premises, when operated on**
6 **a highway and**".

7 Page 7, line 38, after "agriculture" insert "**designed to be operated**
8 **primarily in a farm field or on farm premises, when operated on**
9 **a highway and**".

10 Page 9, line 18, after "agriculture" delete ";" and insert "**designed to**
11 **be operated primarily in a farm field or on farm premises;**".

12 Page 10, line 3, after "agriculture" delete "." and insert "**designed to**
13 **be operated primarily in a farm field or on farm premises.**".

14 Page 10, line 15, after "agriculture" insert "**designed to be operated**
15 **primarily in a farm field or on farm premises**".

16 Page 10, between lines 30 and 31, begin a new paragraph and insert:
17 "SECTION 23. IC 9-21-21 IS ADDED TO THE INDIANA CODE
18 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2004]:

20 **Chapter 21. Farm Vehicles Involved in Commercial Enterprises**

21 **Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may**
22 **be operated primarily as a farm truck, farm trailer, or farm**
23 **semitrailer and tractor if the vehicle meets the specifications set**
24 **forth in IC 9-29-5-13(b).**

25 **Sec. 2. A farm truck, farm trailer, or farm semitrailer and**
26 **tractor described in section 1 of this chapter may not be operated:**

27 **(1) part time or incidentally in the conduct of a commercial**
28 **enterprise; or**

29 **(2) for the transportation of farm products after the**
30 **commodities have entered the channels of commerce.**

31 **Sec. 3. A farm truck described in section 1 of this chapter may**
32 **be used for personal purposes if the vehicle otherwise qualifies for**
33 **that class of registration.**

34 **Sec. 4. If the owner of a farm truck, farm trailer, or farm**
35 **semitrailer and tractor described in section 1 of this chapter**

1 begins to operate, or permits the farm truck, farm trailer, or farm
2 semitrailer and tractor to be operated:

3 (1) in the conduct of a commercial enterprise; or

4 (2) for the transportation of farm products after the
5 commodities have entered the channels of commerce during
6 a registration year for which the license fee under
7 IC 9-29-5-13 has been paid;

8 the owner shall pay the amount computed under IC 9-29-5-13.5
9 due for the remainder of the registration year for the license fee.

10 Sec. 5. In addition to the penalty provided in section 7 of this
11 chapter, a person that operates a vehicle, or allows a vehicle that
12 the person owns to be operated when the vehicle is:

13 (1) registered under this chapter as a farm truck, farm
14 trailer, or farm semitrailer and tractor; and

15 (2) operated as set forth in section 4 of this chapter;

16 commits a Class C infraction. However, the offense is a Class B
17 infraction if, within the three (3) years preceding the commission
18 of the offense, the person had a prior unrelated judgment under
19 this section.

20 Sec. 6. For purposes of this chapter, the operation of a vehicle
21 in violation of section 4 of this chapter is a continuing offense and
22 the venue for prosecution lies in a county in which the unlawful
23 operation occurred. However, a:

24 (1) judgment against; or

25 (2) finding by the court for;

26 the owner or operator bars a prosecution in another county.

27 Sec. 7. (a) A law enforcement officer (as defined in
28 IC 9-13-2-92(1), IC 9-13-2-92(2), or IC 9-13-2-92(3)) who discovers
29 a vehicle registered under this chapter as a farm truck, farm
30 trailer, or farm semitrailer and tractor that is being operated as
31 set forth in section 4 of this chapter:

32 (1) may take the vehicle into the officer's custody; and

33 (2) may cause the vehicle to be taken to and stored in a
34 suitable place until:

35 (A) the legal owner of the vehicle can be found; or

(B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.

(b) A law enforcement officer described in subsection (a) who discovers a vehicle in violation of the registration provisions of this chapter may not impound any of the following:

(1) Perishable commodities.

(2) Livestock."

Page 11, line 2, after "agriculture" delete ";" and insert "**designed to be operated primarily in a farm field or on farm premises;**".

Page 12, between lines 18 and 19, begin a new paragraph and insert:
"SECTION 25. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for: ~~a motor vehicle that has:~~

~~(1) a corn sheller;~~

~~(2) a well driller;~~

~~(3) a hay press;~~

~~(4) a clover huller;~~

~~(5) a farm wagon type liquid fertilizer tank trailer; or~~

~~(6) farm machinery;~~

~~that is permanently mounted on the motor vehicle and used solely for transporting the equipment~~

(1) an implement of agriculture designed to be operated primarily on a highway; or

(2) a piece of special machinery;

is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

~~(c) The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.~~

~~(d) The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The~~

trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.

~~(e)~~ (c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

SECTION 26. IC 9-29-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all license fees when the wagon, trailer, or spreader is drawn or towed on a highway by a farm tractor that is registered as a farm tractor used in transportation. **an implement of agriculture designed to be operated primarily on a highway.**

SECTION 27. IC 9-29-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The license fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least ~~eleven~~ **sixteen** thousand ~~(11,000)~~ **(16,000)** pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

~~(c) A farm truck, farm trailer, or farm semitrailer and tractor described in subsection (b) may not be operated either part time or incidentally in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce.~~

~~(d) A farm truck described in subsection (b) may be used for personal purposes if the vehicle otherwise qualifies for that class of registration."~~

Page 12, line 25, strike "(1) A farm tractor."

Page 12, line 26, after "(2)" insert "(1)".

1 Page 12, line 26, reset in roman "Special".

2 Page 12, line 26, reset in roman "machinery.".

3 Page 12, between lines 28 and 29, begin a new line block indented
4 and insert:

5 **"(3) An implement of agriculture designed to be operated**
6 **primarily on a highway.".**

7 Page 13, line 8, strike "IC 9-17-2-7" and insert **"IC 9-18-2-7"**.

8 Page 13, delete lines 17 through 42.

9 Page 14, delete lines 1 through 22.

10 Page 14, between lines 34 and 35, begin a new line block indented
11 and insert:

12 **"(4) Special machinery (as defined in IC 9-13-2-170.3)."**

13 Page 16, line 5, delete "IC 9-29-5-11; IC 9-29-5-12;".

14 Page 16, after line 5, begin a new paragraph and insert:

15 **"SECTION 33. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding**
16 **IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles**
17 **shall carry out the duties imposed on it under IC 9-13-2-77(b), as**
18 **added by this act, under interim written guidelines approved by**
19 **the commissioner of motor vehicles.**

20 **(b) This SECTION expires on the earlier of the following:**

21 **(1) The date rules are adopted under IC 9-13-2-77(b), as**
22 **added by this act.**

23 **(2) December 31, 2005.**

24 **SECTION 34. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding**
25 **IC 9-29-5-13, as amended by this act, the requirement that a**
26 **motor vehicle, trailer, or semitrailer and tractor must have a**
27 **declared gross weight of at least sixteen thousand (16,000) pounds**
28 **in order to be categorized as a farm truck, farm trailer, or farm**
29 **semitrailer and tractor does not apply to a motor vehicle, trailer,**
30 **or semitrailer and tractor before January 1, 2005.**

31 **(b) This SECTION expires December 31, 2005.**

32 **SECTION 35. [EFFECTIVE UPON PASSAGE] (a) The bureau of**
33 **motor vehicles shall adopt rules under IC 4-22-2 to identify and**
34 **define "farm truck", "farm trailer", and "farm semitrailer and**
35 **tractor", as required by IC 9-13-2-58.**

36 **(b) Notwithstanding subsection (a), the bureau of motor**

1 **vehicles shall carry out the duties imposed on it by IC 9-13-2-58**
2 **and by this SECTION under interim written guidelines approved**
3 **by the commissioner of motor vehicles.**

4 **(c) This SECTION expires on the earlier of the following:**

5 **(1) The date rules are adopted under IC 9-13-2-58.**

- 1 **(2) December 31, 2005.**
- 2 **SECTION 36. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1359 as introduced.)

and when so amended that said bill do pass.

Representative Reske